UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.621
11 July 2000

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 621st MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 18 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Jordan

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-42299 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Jordan (CRC/C/70/Add.4; CRC/Q/JOR/2; written replies of the Government of Jordan to the questions raised in the list of issues (document without a symbol, distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Madi and Mr. Al Tal (Jordan) took places at the Committee table.

2. Mr. MADI (Jordan) said that Jordan consistently sought to integrate into its domestic law and practices the provisions of the international and regional human rights instruments to which it was party, including the Convention on the Rights of the Child. Revision of the Penal Code and of the Law on Juvenile Justice was therefore under way, a bill on the protection of children was in the process of being adopted and a National Plan of Action for Children 1993-2000 had been drawn up in order to implement the Convention on the Rights of the Child.

3. A country like Jordan, in which children represented about half of the population, was bound to be anxious to cater for their present and future needs in order to guarantee its development. That enormous task could not be accomplished without the involvement of civil society and, therefore, the National Task Force for Children and the National Coalition for Children had been set up. The latter grouped 600 representatives of civil society, government and international organizations, with the aim of jointly coordinating and consolidating national policy for children.

4. Over the previous 10 years, the Government of Jordan, in partnership with civil society and with the support of organizations such as the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), had made considerable progress in the fields of child education and health. In particular, since 1990 the rate of school enrolment had increased to 94 per cent in primary education and 72 per cent in secondary education, while the rate of illiteracy was declining. Another important development was that teaching on human rights and the rights of the child had been introduced into school curricula. A Children's Parliament, made up of 30 boys and 30 girls, had been established; 10 per cent of the seats were set aside for disabled children. Each year, Jordan also hosted the Arab Children's Congress, which enabled children from different Arab countries to meet and discuss their aspirations. In the field of health, infant mortality had fallen from 64 per 1,000 in 1980 to 28 per 1,000 in 1997, and several mother and child health centres had been opened.

5. Violence towards children in all its forms could not be tolerated and Jordan could not but pay tribute to international efforts in that area, particularly concerning the fight against commercial and sexual exploitation of children. Jordan had to a large extent been spared that problem thanks to its traditions and culture. The Jordanian Penal Code contained several provisions that severely punished violence towards children, particularly sexual exploitation of children, and the revision currently under way would make the punishments even tougher.

In 1997 a unit had been established in the Directorate of Public Security to deal with cases of child abuse. Public awareness was also being raised through the media and through various workshops and seminars.

6. Jordanian labour legislation set a minimum age of 16 for employment. In 1996, a reform had introduced restrictions concerning working conditions for children and the type of work they were allowed to perform. A national plan for combating child labour had been established in 1998 and in 2000 Jordan had ratified International Labour Organization (ILO) Convention No. 182.

7. Progress in the field of child rights and welfare continued to be held back by the problem of poverty, which still affected about 20 per cent of the population. Debt servicing, to which the State had to allocate 20 per cent of its budget, put a heavy strain on social spending and Jordan had to make use of external funds to finance its development. Finally, regional instability had caused massive influxes of refugees, who were placing an additional heavy burden on the Jordanian economy.

8. Jordan was committed to implementing the Convention on the Rights of the Child in full and was therefore pursuing an ambitious policy in all areas affecting children. In March it had set up a national committee for human rights, presided over by Queen Rania, whose activities would focus on the rights of women and children.

9. The CHAIRPERSON invited the members of the Committee to ask questions on general measures of implementation and the definition of the child.

10. Ms. EL GUINDI pointed out that the Committee's general guidelines for the preparation of reports had not been followed. She asked why Jordan had entered reservations concerning articles 14, 20 and 21 of the Convention, whether there were alternative means of guaranteeing the rights covered by those articles and whether Jordan envisaged withdrawing its reservations.

11. The Penal Code discriminated against women and the penalties for sexual offences against children, particularly rape, were far from commensurate with the seriousness of that type of offence.

12. Given the shortage of programmes for children, it would be interesting to know whether additional resources could be allocated to social services, despite the country's economic and political difficulties. Regarding coordination mechanisms, what was the precise role of the National Committee and how were coordination and cooperation between the different mechanisms guaranteed? What role did non-governmental organizations (NGOs) play in the preparation of reports and in making available services that the State was not able to provide, particularly with regard to street children and children deprived of a family environment?

13. Ms. RILANTONO asked how data relating to children was collected and analysed, particularly data concerning child labour, street children, children born out of wedlock and children living in rural areas, and what body was responsible for that task. Was the international

aid that funded most action on behalf of children provided in the form of loans or grants? Debt servicing seemed to erode the budget allocations for education and health a little more each year and it would be useful to have some details on that point.

14. Mr. DOEK asked why the Convention had still not been published in the Official Gazette and what, therefore, its exact status was in Jordan. He would also like to know what progress had been made on the bill relating to the rights of the child, which laid down important measures to combat child abuse in particular. Finally, he would welcome further information on the measures taken by the Government - such as training programmes and awareness-raising campaigns - to make people familiar with the Convention, particularly professionals involved in dealing with children, such as social workers, judges and police officers.

15. Mr. FULCI said that the Committee's guidelines on the preparation of reports had not been followed and the basic problem was that Jordan's second report was too often reduced to a list of constitutional and legislative measures that did not give any idea of how the actual situation of children in the State party had changed since the consideration of the previous report. In particular, it did not contain the examples and disaggregated data necessary to form a clear picture of the situation. Jordan, like an increasing number of other countries, had sent diplomats to represent it before the Committee, and that was regrettable because the members of the Committee wanted above all to have a dialogue with people who dealt directly with children's issues.

16. It would be desirable for Jordan to follow the example of many other Arab countries by making every effort to withdraw the reservations it had entered concerning certain articles of the Convention. Moreover, it would be useful to know whether Jordan was satisfied with the bilateral and multilateral aid it received, for example from UNICEF, in order to implement the Convention. Any information on that subject could be reflected in the Committee's recommendations and observations.

17. Finally, the Committee had often emphasized that the implementation of the Convention was a matter not only for Governments but for the whole of society. Besides the crucial role of NGOs and the media in disseminating the principles of the Convention, it was important that children knew they had rights. Could Jordan indicate how they were directly involved in that process?

18. Mr. RABAH said he would like to know whether there was a structure at national level specifically responsible for issues concerning children and he would also like to have more information on the services provided for children at municipal level. Did the distinction made between Jordanian and non-Jordanian children have an impact on the services provided for refugee children and could that distinction be eliminated? Regarding the degree of compatibility between domestic laws and the provisions of the Convention, he wondered about the continued importance of traditions in rural areas; even though they were beginning to be challenged, certain practices, such as crimes of honour, persisted and were punished only with very lenient sentences. The disparities between men and women in Jordanian society posed other problems, since men appeared to be systematically favoured in many fields.

19. Ms. TIGERSTEDT-TÄHTELÄ requested information about the nature of the proposed laws, put forward by NGOs and currently being considered by the Prime Minister, of which there appeared to be many and which necessarily had implications for the budget. In the light of article 4 of the Convention, she would like to know whether children's issues and the principle of the best interests of the child were taken into consideration when annual public budgets and plans were being prepared. What were the procedures for drafting the budget and were there any rules on transparency? It would be useful to know what proportion of the budget was allocated to different sectors (health, social welfare, education, etc.) concerning children.

20. Ms. KARP asked when it was planned to publish the Convention in the Official Gazette, a step which would technically give the Convention force of law. She would like to know why Parliament's consideration of the bill on the rights of the child, initially scheduled for 8 May, had been postponed and when consideration of it would finally take place. In that regard, given that the main elements of the Convention seemed to be dealt with in a scattered manner in various specific pieces of legislation, particularly with regard to criminal matters, it would be useful to know precisely what areas were covered by the bill and the various pieces of applicable legislation and what amendments to the bill were proposed in order to bring Jordanian legislation fully into line with the Convention. The Committee would then be in a position to engage in dialogue on certain points and on any possible shortcomings in the bill.

21. She would like to know what links were in place between the National Coalition for Children and the National Task Force for Children in its new form. She also requested examples of decisions and measures adopted by the latter institution and information about the impact of its activities. Were there any children among the members of the National Task Force? If so, how were they elected? What guarantees existed to ensure that they genuinely represented all Jordanian children? Finally, she would like to know why, among all the committees mentioned, there was none responsible for promoting the participation of children and whether there was any plan to establish one.

22. Ms. MOKHUANE requested clarification of the links between the National Task Force for Children, the National Coalition for Children and the family protection unit. How was coordination ensured? What were their precise responsibilities?

23. Efforts had clearly been made to bring the Jordanian definition of the child fully into line with the Convention, but it was necessary to clarify the issue of amendments to the legislation. What was the current situation in that regard? How were children dealt with when they went to court? Concerning the distribution of the budget, what percentage of social expenditure was allocated to children?

24. Mr. MADI (Jordan) said that the international community was not sufficiently aware of the role that Jordan played in a region characterized by instability. In fact, Jordan had always been noted for its political stability, compared favourably with other countries in terms of its human rights record, and no political executions had ever taken place there. Since the start of the Arab-Israeli conflict, it had been the sole force of moderation in the region. It systematically took in refugees and was currently host to about 300,000 Iraqi refugees. It was still waiting to see the results of the peace treaty signed in 1994 and, even though it was not among the most disadvantaged countries, it still suffered a serious shortage of financial resources.

25. The Jordanian authorities were fully aware that they had to eliminate the practice of "crimes of honour", condemned by Queen Rania in a recent televised speech; however, that meant, first of all, that it was necessary to determine whether that type of crime merited punishment by the maximum sentence or whether it could be assimilated to a crime of passion and, secondly, that financial resources had to be made available to educate the population on the need to eradicate that practice. Otherwise, any bill on the subject would risk being rejected by Parliament. The Committee's suggestions on that point would be welcomed.

The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.

26. Mr. AL TAL (Jordan) said that the report being considered was the fruit of a joint national effort on the part of governmental and non-governmental organizations, local communities and social welfare organizations. NGOs and civil society were vital partners in raising awareness of the rights of the child.

27. Jordan had ratified the Convention, which had been confirmed by royal decree in 1994 before entering into force. Work was under way to compile comprehensive information about the rights of the child and human rights for publication in the Official Gazette as part of the programme to raise awareness of international instruments and the Convention.

28. External debt servicing and the programme of structural adjustment required considerable sums, which accordingly reduced the State budget. According to the most recent statistics in a United Nations Development Programme (UNDP) report, the average proportion of resources allocated to education (7 per cent) and health services (6 per cent) was nonetheless at an acceptable level. Resources were also allocated to a large number of institutions and organizations responsible for child welfare.

29. The reservations regarding a number of articles of the Convention had been made out of concern for compatibility with Islamic law, since 93 per cent of the inhabitants of Jordan were Muslims. The concept of adoption, as defined in the Convention, was not in conformity with the shariah, which provided for the institution of kafalah (protection), applied in many other Islamic countries, according to which an abandoned or orphaned child could be taken care of by a family while keeping his or her original name, if it was known. Such a child had no legal right to inherit from that family but, in practice, part of the inheritance was reserved for him or her. The individual characteristics of each State should be taken into consideration in human rights matters.

30. The National Task Force for Children had the mission of promoting the rights of the child, whereas the National Coalition for Children maintained the link between governmental and non-governmental organizations. The National Coalition had more than 600 members - private individuals or representatives of government institutions, NGOs and international organizations. NGOs played a very important role on the ground; they worked in full cooperation with the Government and submitted projects and programmes to it for dissemination to the different ministries concerned.

31. Parliament's consideration of the bill on the rights of the child should have taken place on 8 May, but had had to be postponed because the conference of the Inter-Parliamentary Union

was being held; the bill would be submitted to the next session of Parliament. The amendments to criminal law were aimed at setting tougher sentences for sexual offences against minors. The age of criminal responsibility was to be raised from seven to 12 years and the minimum age of marriage to 18 years for both sexes. The bill was intended to draw together the laws concerning most of the rights of the child recognized in the Convention. Copies of the bill were available for the members of the Committee.

32. The National Statistical Office carried out studies on certain population issues and on the different sectors of the economy, but was not responsible for collecting data on some phenomena, such as street children. In that regard, it should be stated that in Jordan there were no "street children" in the sense in which the term was used in Europe; there were young street vendors whose activities the Ministry of Social Development tried to monitor and limit. The dearth of statistics on certain sectors was due to the lack of resources and was a major problem. However, NGOs were compiling some statistics relating to children.

33. Many Palestinian refugees, including children, had lived in Jordan for a long time. In conformity with United Nations resolutions, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was responsible for assisting those people. As a host country, Jordan also provided all the necessary services for children, within the limits of its resources. It had recently asked UNRWA and donor countries not to reduce the amount of aid they provided, particularly in the field of education. Moreover, it had granted Jordanian nationality to the Palestinian refugees who, through that status, enjoyed the same treatment as other citizens. There was therefore no discrimination against non-Jordanian children.

34. There should be no discrimination, moreover, on the grounds of sex. The bill currently being considered would stipulate that the legal age for marriage was 18 for both sexes. In the field of education, enrolment rates were higher for girls and women at all levels, even though their rate of illiteracy also seemed to be higher.

35. Jordan would ensure that its next report corresponded fully to the Committee's guidelines and had already taken steps to arrange meetings of experts on the preparation of the reports that it had to submit on the implementation of the international instruments to which it was party, including the Convention.

36. There were many programmes aimed at children on both radio and television, and NGOs regularly organized campaigns to raise awareness of the rights of the child. The private sector also played an important role in that area. In addition, Jordan sought to exchange experience and information with other countries, particularly the other countries in the region. It was especially grateful to UNICEF and WHO for their generous aid in that regard. Moreover, many workshops, seminars and symposia were held in Jordan for children and for all those who worked to promote their rights, in order to provide information about, and comment on, Government action in the field of child welfare.

37. Numerous bodies dealt to one extent or another with the rights of the child, at the highest political level and in the field, in the public and private sectors. Particular mention should be made of the family protection units established under the Ministry of the Interior, which investigated all complaints concerning violations of children's rights and took the necessary

action to ensure that those responsible were punished; and of the National Coalition for Children, composed of representatives of NGOs and international organizations (including UNICEF, which was involved in the establishment of family protection units throughout the country), as well as representatives of governmental bodies, its mission being to make recommendations and put forward proposals for amendments to the legislation.

38. The creation of children's town councils was an excellent idea and it would be submitted to the relevant authorities. Jordan was fully prepared to make use of the experience acquired by other countries in regard to strengthening children's rights.

39. The CHAIRPERSON invited the members of the Committee to ask questions about general principles and civil rights and freedoms.

40. Mr. FULCI said that the report did not contain enough information about children born out of wedlock, refugees, ethnic minorities and the disparities between rural and urban areas. With regard to children born out of wedlock, he would like to have details about their rights in respect of inheritance, maintenance and custody, and in general about the responsibilities of their parents. He would also like to know whether measures had been taken, in cooperation with the religious authorities, for example, to prevent and combat all forms of discrimination against such children and to make the public aware of the need to protect them.

41. Recalling the concerns expressed by the Committee against Torture regarding acts of torture and ill-treatment inflicted upon detainees, he asked for clarification about the case reported by Amnesty International of a 14-year-old boy who had allegedly been tortured by Jordanian police officers in 1997.

42. Ms. MOKHUANE, referring to the question of discrimination against women, asked what measures other than the enactment of laws had been taken to change attitudes, especially with regard to crimes of honour.

43. Mr. AL TAL (Jordan) said that his country recognized and respected the important role played by Amnesty International and had always endeavoured to facilitate its task by ensuring complete transparency during its periodic visits to Jordan. Perpetrators of acts of torture were tried and punished. Jordan was taking all possible steps to guarantee the honour and dignity of the human person.

44. With regard to minorities, all Jordanians were equal before the law, whatever their origin, language or religion. Children of all denominations were therefore free to practise their beliefs. The Council of Churches dealt with all issues relating to the different religions, and the Government did not intervene in such matters.

45. In Jordan, all citizens, male and female, were equal before the law. The National Charter and the Constitution expressly set forth that equality, even if practice might not always be consonant with the law in some very specific areas on account of traditions. The fact that Jordan was an Arab country must not be construed as meaning that women were unable to take part on an equal footing in the life of society and to exercise all their rights. Parliament would shortly be considering a bill aimed at modifying a number of legislative acts in order to eliminate

gender-based discrimination. Those instruments dealt with matters such as employment, social security, the rental of dwellings, marriage contracts, nationality and taxes. The changes related, for example, to the right of a widow to receive her deceased husband's pension, the right of a woman and her children to obtain a passport without needing the consent of the husband or father, and a woman's right to enrol her children in a medical insurance scheme. A royal committee had, moreover, been set up by decree with a view to changing laws and practices that prevented women and children from enjoying their rights. Passing laws was not enough in itself, of course, as the laws still had to be enforced and action to raise awareness about the problems posed by such practices would therefore have to be conducted by the media and by governmental and other bodies.

46. With regard to "crimes of honour", a council composed of representatives of the Upper House and Lower House of Parliament would shortly be considering a bill aimed at changing the law so that those acts were duly punished. Such a reform was called for by NGOs, women's and family associations.

47. With regard to children born out of wedlock, their situation depended on whether or not the parents were known and whether or not the children had been recognized by their parents. A child whose parents were not known was placed within the kafalah system. If a child had not been recognized by his or her father, the mother, if known, was put in prison for sexual misconduct and the child was given an alternative name in a centre, with his or her real name nevertheless being kept on record. When she was released, the mother could apply to a court to recover the child. In the rare cases where the child was then recognized by the father, the parents married and the child went to live with them. In any event, children born out of wedlock were considered as Jordanian citizens and enjoyed the same rights as legitimate children. They were placed in centres by the Ministry responsible for social welfare and received an education until they were adults or until one of their parents recognized them.

48. Ms. EL GUINDI said she found it incomprehensible that a woman who gave birth to a child conceived as the result of an act of rape should be imprisoned if the rapist's identity was not known. Why did she receive no assistance? Did the law permit abortion in cases of rape?

49. She wished to know whether a Jordanian woman who married a foreigner could transmit her nationality to her children. In a case where the parents were separated and the father was still alive, could custody be granted to the mother in the child's best interests? The Penal Code included no penalty for a man who killed his wife because her behaviour had not been in conformity with tradition. The same was not true for a woman who killed her husband for the same reasons. Was consideration being given to remedying such discrimination? Lastly, was the death penalty applicable to a child under 13 years of age?

50. Ms. KARP noted from the written reply to question No. 6 that a person had to be at least 18 years of age to give evidence in court. That rule seemed to be incompatible with article 12 of the Convention. If children could not testify about violations of their rights, how could the authorities combat such abuse? Were there any plans to change the relevant legislation?

51. She welcomed the creation of a royal committee to combat discrimination against women and children, and hoped that it would also deal with the problem of crimes of honour. The establishment of family protection units was also encouraging, but their field of action would seem to have been reduced for financial reasons. Instead of tackling violence within the family in general, their activities would now be concerned only with violence against children, yet it was also essential to address the issue of violence against women, especially as the two phenomena were related. Furthermore, family protection units did not seem to have been established outside the capital, contrary to what had originally been planned. Was that not discriminating against children who lived in other parts of the country?

52. Crimes of honour affected not only women who had sexual relations outside marriage but also women who were rape victims. Why were women alone to fight against crimes of honour? What was being done to change men's attitudes in that regard and to make husbands and fathers understand that it was their duty to protect their spouses and daughters? Instead of being imprisoned, raped women should be helped so that they would not have to fear being killed or having their lives ruined.

53. Ms. RILANTONO noted that the Penal Code called for sentences of six months to three years in prison and forced labour for anyone who encouraged abortion or let someone incite a woman to have an abortion. How many cases of that kind had come before the courts? Were there any clandestine abortions? Lastly, what was the percentage of children declared at birth in rural and in urban areas?

54. Mr. RABAH asked why cases of child abuse were regarded as part of the responsibility of the Directorate of Public Security rather than, for example, of the Ministry of Justice or the Ministry of Social Development.

55. Mr. DOEK said that Jordan's reservations to articles 20 and 21 of the Convention were in his view unnecessary. Article 21 concerned measures to be taken by States parties that recognized and/or permitted adoption. There was thus no obligation for a State party to permit adoption. Article 20 provided that alternative care "could include ... kafalah of Islamic law". From those standpoints, the arrangements made by Jordan were in no way incompatible with the Convention.

56. Was the Jordanian Government planning to change the rules applicable to children born out of wedlock? It was not because the behaviour of the parents was deemed "unacceptable" that the children had to be punished. Did the fact that some parents belonged to an unrecognized religious group have any impact on the rights of the child in regard, for example, to access to education or social services?

57. Ms. MOKHUANE said that, according to some reports, a non-Muslim woman who married a Muslim could not inherit her husband's property. If that was the case, could the children inherit the property? Also, could the Jordanian delegation give some information about the situation of the Baha'i? What criteria were applied to decide whether or not a religion was recognized? In Jordan, the number of road accidents was high and many of the victims were children; how could one therefore speak of respect for the child's right to survival and development?

58. Ms. KARP asked whether the Committee's recommendation concerning the withdrawal of the reservations to articles 20 and 21 had given rise to any discussion in Jordan. If so, what had been the outcome and what arguments had been presented against withdrawing the reservations?

59. The Committee had furthermore recommended that Jordan should undertake a study on violence within the family. Had such a study been made and, if so, what had been its findings and what kinds of abuse had been identified? Lastly, had provisions been incorporated into the new legislation to prevent corporal punishment within the family? Corporal punishment was prohibited in schools, but were steps being taken to ensure that the prohibition was respected? Had any complaints been filed? Had they given rise to any investigations?

The meeting rose at 1 p.m.